

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

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STATE OF TEXAS,  
STATE OF MISSOURI,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR.,  
in his official capacity as  
President of the United States, *et al.*,

*Defendants.*

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Civil Action No. 2:21-cv-00067-Z

**MOTION TO CORRECT THE RECORD**

On July 20, 2021, the government filed a notice of filing of a corrected administrative record, along with a new certification of the record and a document missing from the administrative record, after learning that the document was missing from the record. *See* Dkt. 78. According to Julianna Blackwell the Deputy Executive Secretary responsible for the oversight and management of the Office of the Executive Secretary (which maintains official Department of Homeland Security (DHS) records, including the administrative record in this case), the document, “Assessment of the Migrant Protection Protocols (MPP), October 28, 2019,” was inadvertently omitted by the Department of Homeland Security from the administrative record compiled on an expedited schedule and submitted to the Court on June 22, 2021. *See* Dkt. 78-3, Declaration of Julianna Blackwell, ¶¶ 2-3; *see also* Dkt. 78-1, Certification. As Ms. Blackwell explained under penalty of perjury in her declaration, “On or about July 15, 2021, it was brought to my attention that the administrative record erroneously omitted the final version of the Assessment of the Migrant Protection Protocols (MPP). Until this was brought to my attention, I did not realize that the administrative record needed correction.” Dkt. 78-3, ¶ 3. DHS then moved with dispatch to correct the mistake, submitting the correction and an explanation for the correction three business days and five total days later, on July 20, 2021. Dkt. 78.

In Defendants view a formal motion to correct the administrative record is not necessary. Dkt. 83 at 4 (collecting cases). Plaintiffs, however, have suggested that Defendants are obligated to file such a motion. *See* Dkt. 80 at 3-4. For the avoidance of doubt, Defendants alternatively move for leave to correct the administrative record, and that the Court accept the filings submitted July 20, 2021. *See* Dkt. 78. Defendants respectfully request that the Court grant this motion for the reasons explained in Defendants opposition to Plaintiffs’ motion to exclude. *See* Dkt. 83.

Date: July 20, 2021

PRERAK SHAH  
*Acting United States Attorney*

BRIAN W. STOLZ  
*Assistant United States Attorney*

Respectfully submitted,

BRIAN M. BOYNTON  
*Acting Assistant Attorney General*

WILLIAM C. PEACHEY  
*Director*  
Office of Immigration Litigation  
District Court Section

BRIAN WARD  
Senior Litigation Counsel

JOSEPH A. DARROW  
*Trial Attorney*

/s/ Erez Reuveni  
EREZ REUVENI  
*Assistant Director*  
U.S. Department of Justice  
Civil Division  
Office of Immigration Litigation  
District Court Section  
P.O. Box 868, Ben Franklin Station  
Washington, DC 20044  
Tel.: (202) 307-4293  
Erez.r.reuveni@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on July 20, 2021, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Northern District of Texas by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ Erez Reuveni  
EREZ REUVENI  
Assistant Director